

REMARKS

Upon entry of this Amendment Claims 1-8, 10-15, 17-22, 24 and 25 are pending in the application. Independent claims 1, 8 and 21, and thus claims depending thereon, have been amended. Claims 9, 16 and 23 have been cancelled. Claims 24 and 25 have been added.

Claim 22 was objected to. Applicants have cancelled claim 22 thereby rendering the objection moot.

The Amendment

Claims 1, 8 and 21, and thus claims depending thereon, have been amended to indicate that cavity contained on the spaced-apart jaw, or arm, comprises a mechanism for retaining the substance within the cavity when the substance is placed within the cavity. The claimed mechanism is selected from the group consisting of protrusions extending into the cavity or above the cavity, through holes extending from an underside of the cavity through the spaced-apart jaws, or arms, or combinations thereof. New claims 24 and 25 have been added to indicate that the through hole comprises a tapered section increasing in diameter as the through hole extends from the underside of the cavity through the spaced-apart jaw, or arm. Support for the Amendment may be found at page 8, lines 3-12 of the specification and in Figure 3. Applicants respectfully submit that no new matter is introduced via this Amendment.

Double Patenting

Claims 8, 10, 11 and 17 are provisionally rejected on the grounds of nonstatutory obviousness-type obviousness over claim 1-7, and 9 of copending Application No. 11/239,515. Applicants respectfully traverse.

As amended, claims of the present application require a mechanism for retaining the substance within the cavity when the substance is placed within the cavity, where the mechanism is selected from the group consisting of protrusions extending into the cavity or above the cavity, through holes extending from an underside of the cavity through the spaced-apart jaws, or arms, or combinations thereof. Applicants note that claims of U.S. 11/239,515 are being amended

concurrently herewith to indicate that the cavity comprises at least one flange extending along a portion of the cavity for retaining the composition within the cavity. Applicants respectfully submit that mechanism for retaining substances within the cavity as claimed in the present application and U.S. 11/239,515 are patentably distinct, notwithstanding other elements of the devices claimed in the respective applications. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim Objections

Claim 22 was objected to for informalities. Applicants have amended claim 22 to correct dependency to claim 21, thereby rendering the objection moot.

The Rejections

Claims 8, 10-12, 14 and 16 are rejected under 35 U.S.C. 102(b) over Rice (U.S. 2,872,929). Applicants respectfully traverse.

Rice discloses a device for cleaning teeth that contains a passage or open-sided cavity for containing a cleansing composition that extends transversely substantially centrally through the device. A massaging member may be placed over the portion of the device containing the cavity. Regarding claim 8, Applicants respectfully submit that Rice fails to disclose, either literally or inherently, a dental floss device comprising spaced-apart arms, at least one of which comprises a cavity for retaining substances, which cavity comprises a mechanism for retaining the substance within the cavity selected from the group consisting of protrusions extending into the cavity or above the cavity, through holes extending from an underside of the cavity through the spaced-apart jaws, or arms, or combinations thereof. Such a mechanism retains the substance within the cavity prior to use by the consumer and provides release of the substance directly into the mouth upon use by the consumer. As the standard for anticipation is one of strict identity, where each element of the claim must be disclosed, either expressly or inherently, Applicants respectfully request that the rejection of claims 8, 10-12, 14 and 16 over Rice under 35 U.S.C. 102(b) be withdrawn.

Claims 1-7, 21 and 22 are rejected under 35 U.S.C. 103(a) as being obvious over Dougan (U.S. 7,059,334) in view of Rice. Applicants respectfully traverse.

Initially, Applicants respectfully submit that Dougan fails to disclose or suggest a dental floss device containing a cavity for containing a substance, which cavity includes a mechanism for retaining the substance within the cavity when the substance is placed within the cavity, where the mechanism is selected from the group consisting of protrusions extending into the cavity or above the cavity, through holes extending from an underside of the cavity through the spaced-apart jaws, or combinations thereof. As noted above, Applicants further submit that Rice fails to disclose or suggest such mechanisms for retaining substances within a cavity. Rather, Applicants submit that Rice discloses a device where the cavity containing a substance is covered by a massaging member and that the substance is released into the massaging member upon use. Upon use of Applicants' invention, the substance is released directly into the mouth of the user. Applicants further submit that Rice fails to suggest any other mechanism for retaining the substance within the cavity prior to use.

Regarding claims 2, 4 and 22, Applicants respectfully submit that Dougan discloses a dental floss device where the dental floss holder includes lateral engagement surfaces that include only detents and no recesses. The head portion of the handle includes lateral engagement surfaces that include only recesses and no detents. Claims 2, 4 and 22 require, in essence, that the base portion of the floss holder has lateral engaging surfaces, each engaging surface having at least one detent and at least one recess laterally spaced apart, and that the head portion of the handle has opposite engaging surfaces, each engaging surface containing at least one indent and one detent laterally spaced apart, and that the respective detents and indents on the respective floss holder and handle head are positioned to compliment one another to form a snap fit.

The Office Action notes that rearranging of parts of an invention involves only routine skill in the art. However, Applicants respectfully submit that Applicants have not merely rearranged parts of Dougan. As noted at page 7, lines 5-8 of Applicants specification, dental floss holders and devices using such holders as claimed allow the holders to be stackable, whereby the recesses and detents of the respective holders may nest one in the other to form a stack of multiple holders, which is advantageous in storing and packaging of the holders. Devices as described in Dougan, however, do not provide the same benefit in that such stacking is not possible where the holders include only detents on the lateral surfaces. Applicants respectfully submit that

Dougan fails to suggest or motivate one skilled in the art to modify Dougan so as to provide the stackable feature provided by Applicants claimed invention. Accordingly, Applicants invention provides not only a snap fit arrangement, but also provides an additional benefit not contemplated by Dougan. Neither would Rice provide the requisite suggestion or motivation to modify Dougan to provide this beneficial structure, as Rice is silent as to any such configurations for providing snap fit connections and the like.

Based on the foregoing, Applicants respectfully submit that claims 1-7, 21 and 22 are not obvious over Dougan in view of Rice and request that the rejection thereof be withdrawn.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being obvious over Rice in view of Homala (US 5,980,868). Applicants respectfully traverse.

As discussed above, Applicants respectfully submit that Rice fails to disclose or suggest dental floss holders and devices having mechanisms for retaining substances in a cavity as claimed by Applicants. Specifically, Rice discloses a massaging member that may cover the cavity, but fails to provide any suggestion or motivation as to any mechanisms for retaining the substances within the cavity. Applicants further submit that Homala fails to cure the deficiencies of Rice and respectfully request that the rejection of claims 13 and 15 over Rice in view of Homala be withdrawn.

Claims 17-19 are rejected under 35 U.S.C. 103(a) over Rice. Applicants respectfully traverse and reiterate all arguments made above with respect to Rice and request that the rejection of claims 17-19 over Rice be withdrawn.

Based on all of the foregoing Applicants respectfully submit that all pending claims are patentable and request a notice of allowance to that affect.

Respectfully submitted,

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